

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHEILA GRIFFIN,

Plaintiff,

v.

BRIGHTON DENTAL GROUP, et al.,

Defendants.

DECISION & ORDER

09-CV-6616P

Pro se plaintiff Sheila Griffin (“Griffin”) has filed a complaint in the above-captioned matter alleging that defendants discriminated against her in her employment on the basis of her race, sex and disability in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and the Americans with Disabilities Act, 42 U.S.C. §§ 12112 *et seq.* (Docket # 1). Pursuant to 28 U.S.C. § 636(c), the parties have consented to have a United States magistrate judge conduct all further proceedings in this case, including the entry of final judgment. (Docket # 14).

On July 6, 2010, Griffin filed a motion to join additional defendants to the case, but did not include a proposed amended complaint identifying the defendants she wishes to add or the claims she wishes to allege against them. (Docket # 17). Instead, Griffin merely added the names of several individuals to the caption of the case. (*Id.*). In addition, Griffin has filed a document seeking to join additional witnesses to the case. (*Id.*).

Rule 20 of the Federal Rules of Civil Procedure provides that defendants may be joined in one action if “any right to relief is asserted against them jointly, severally, or in the

alternative with respect to or arising out of the same transaction[or] occurrence . . . and any question of law or fact common to all defendants will arise in the action.” Fed. R. Civ. P. 20(a)(2). Here, because Griffin has not submitted a proposed amended complaint, this Court cannot evaluate whether the new parties who were listed in the caption may be properly added to the case. Accordingly, Griffin’s motion for joinder (**Docket # 17**) is **DENIED without prejudice to renewal**. If Griffin wishes to add new defendants to her case, she must renew her motion for joinder by no later than **August 23, 2010**. Her motion must be accompanied by a proposed amended complaint, as well as an affidavit or memorandum of law specifically identifying the new parties she seeks to add and the factual and legal claims she wishes to allege against them.

Further, Griffin’s motion to join witnesses (**Docket # 17**) is **DENIED**. Griffin is advised that witnesses, as opposed to defendants, need not be formally added to the case.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
July 26, 2010